

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

SATURDAY, THE 10TH FEBRUARY 2007 / 21ST MAGHA 1928

RP.No. 218 of 2005(L)

REVIEW PETITIONERS/APPELLANTS/RESPONDENTS

1. THE STATE OF KERALA,
REP. BY CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.
2. THE DISTRICT COLLECTOR, COLLECTORATE,
THIRUVANANTHAPURA, REPRESENTING THE LAND
PURCHASING COMMITTEE AND THE ON POWER COMMITTEE
FOR THE ACQUISITION OF LAND FOR THE UPGRADATION
OF M.C.ROAD, UNDDR THE KSTP.
3. THE SPECIAL TAHSILDAR(LA),
THE PUBLIC WORKS DEPARTMENT SOUTHERN CIRCLE,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.SHYSON P.MANGUZHA

RESPONDENTS: RESPONDENTS/PETITIONERS

1. SHYLA ANURUDHAN, W/O.P.ANURUDHAN,
A.V.NIVAS, PULIMATHU POST, PULIMATHU VILLAGE,
CHIRAYINKEEZHU TALUK, THIRUVANANTHAPURAM.
2. PUSHPALATHA, W/O.VIJAYAN,
CHARUVILA VEEDU, PULIMATHU POST,
PULIMATHU VILLAGE, CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM.
3. VIJAYAN G., CHARUVILA VEEDU,
PULIMATHU POST, PULIMATHU VILLAGE,
CHIRAYINKEEZHU TALUK, TRIVADNRUM.
4. JAGADAMMA, SOBHA NIVAS
PULIMATHU POST, PULIMATHU VILLAGE,
CHIRAYINKEEZHU TALUK, THIRUVANANTHAPURAM.

5. RADHAMMA V.K., RADHA SADANAM,
PULIMATHU POST, PULIMATHU VILLAGE,
CHIRAYINKEEZHU VILLAGE, CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM.
6. T.P.HARI, SUNIL BHAVANAM,
PULIMATHU POST, PULIMATHU VILLAGE, CHIRAYINKEEZHU
TALUK, THIRUVANANTHAPURAM.
7. THANKAMMA, SANTHIBHAVAN, PULIMATHU POST,
PULIMATHU VILLAGE, CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM.
8. SARASWATHY M., USHAS, PULIMATHU POST,
PULIMATHU VILLAGE, CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM.
9. VIJAYAN G., USHAS, PULIMATHU POST,
PULIMATHU VILLAGE, CHIRAYINKEEZHU,
THIRUVANANTHAPURAM.
10. PADMA P.T., ASWATHY, PULIMATHU POST,
PULIMATHU VILLAGE, CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM.
11. AMMUKUTTI AMMA, CHALUVILA PUTHEN VEEDU,
PULIMATHU POST, PULIMATHU VILLAGE,
CHIRAYINKEEZHU TALUK, THIRUVANANTHAPURAM.
12. ABDUL AZEEZ, PULIMATHU POST,
PULIMATHU VILLAGE, CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM.
13. NAZEEMA BEEVI, NAZEEMA VILAS,
PULIMATHU POST, PULIMATHU VILLAGE,
CHIRAYINKEEZHU TALUK, TRIVANDRUM.
14. KUNJAN BHASKARAN, GEETHA BHAVANAM,
PULIMATHU POST, PULIMATHU VILLAGE,
CHIRAYINKEEZHU TALUK.
15. S.NOUSHAD, P.V.HOUSE, PULIMATHU POST,
PULIMATHU VILLAGE, CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM.
16. ISHA BEEVI, S.P.V. HOUSE,
PULIMATHU POST, PULIMATHU VILLAGE,
CHIRAYINKEEZHU TALUK, THIRUVANANTHAPURAM.
17. C.KRISHNAMMA, PULIMATHU POST,
PULIMATHU VILLAGE, CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM.
18. N.J.RAJAALAKSHMY, RASHMI, PULIMATHU POST

PULIMATHU VILLAGE, CHIRAYINKEEZHU,
THIRUVANANTHAPURAM.

19. TAJUDEEN, S.P.V.HOUSE, PULIMATHU POST,
PULIMATHU VILLAGE, CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM.

20. SANDEENA BEEVI, P.V.HOUSE,
PULIMATHU POST, PULIMATHU VILLAGE,
CHIRAYINKEESZU TALUK, THIRUVANANTHAPURAM.

21. ANIRUDHAN,
P.V. NIVAS, PULIMATHU POST,
PULIMATHU VILLAGE, CHIRAYINAKEEZHU TALUK,
THIRUVANANTHAPURAM.

BY ADV. SRI.C.RAJENDRAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 10/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

PIUS C. KURIAKOSE, J.

R.P. NO.218/2005 IN W.P.(C) NO. 17122/2004

Dated this the 10th day of September , 2007

ORDER

Heard both sides. The Government Pleader submits that Annexure I notice of award under Section 12 (2) of the Land Acquisition Act had actually been served on the petitioner much prior to the judgment of this court and, therefore, this court is not justified in directing the awarding officer to issue a fresh notice under Section 12 (2) of the Act.

2. Sri.C.Rajendran, the learned counsel for the respondent(writ petitioner) submits that the only notice which was received by the writ petitioner was Ext.P4, which is a notice under Rule 15 (3) regarding taking possession of the property. The question whether Annexure I notice issued to the writ petitioner has thus become contentious.

I allow the Review Petition and recall my judgment. The 3rd respondent will file counter affidavit in the writ petition within three weeks from today. Post the writ petition before the appropriate court.

PIUS C. KURIAKOSE,

JUDGE.

Dpk

